

Terrorism in the Indonesian New Criminal Code

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Abstract

Indonesia finally has its own Criminal Code; the country no longer uses the criminal code inherited from Dutch East Indies colonialism. Nonetheless, the New Criminal Code is effective three years after its launch, which is in 2026. By reviewing literature, this article explores the New Criminal Code and its link to relations to terrorism and terrorism financing laws. This article aims to understand how far terrorism is addressed in the Indonesian New Criminal Code. This article may help counter-terrorism practitioners, academics, and policymakers to employ legal instruments as much as possible to prevent terrorism. Regarding the preparation of terrorism, the New Criminal Code outwardly revises what is already listed in the Law no. 5/2018 where anyone who prepares acts of terrorism whether intentionally or unintentionally is eligible for criminalization. There have been several criticisms of the New Criminal Code, such as its overlapping with other laws, the contradiction of regulations stated in the New Criminal Code, and its low support on restorative justice for children affiliated with terrorist organizations.

Keywords: Terrorism, Indonesia, law, legal, terrorism financing, prosecution.

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INTRODUCTION

Having used a criminal code inherited from Dutch East Indies colonialism for 104 years, Indonesia finally has its own Criminal Code after being approved by the House of Representatives in a plenary session on Tuesday 6/12/2022 (Ferry, 2022). This is a historic moment for Indonesian citizens as it marks the milestone of independence in a criminal law system that was fully designed and created by Indonesian jurists (Alamsyah, 2023).

The Dutch East Indies colonialist Criminal Code is no longer applicable. In addition to the context of the former Criminal Code being aimed at colonized nations, Indonesia's cultural, legal, social, and political situation is entirely different from that of a century ago. Indonesia has truly awakened from colonialism, including in the Criminal Code. It is time for Indonesia to have a New Criminal Code. The President of the Republic of Indonesia, Joko Widodo, signed the New Criminal Code on January 2, 2023. The New Criminal Code is effective three years after being signed by the President, that is in 2026 (Ministry of State Administrative and Bureaucratic Reform, 2023).

In the past three years, the government has socialized the New Criminal Code to the public so that they are aware of the existence of the New Criminal Code and its contents, which include novelties that did not exist in the former Criminal Code (Humas Kemenkumham, 2023). One aspect of its novelty is the criminalization of terrorism and its funding. There are indeed laws on terrorism, namely Law No. 5/2018 on the Eradication of the Criminal Act of Terrorism (PR of the Ministry of State Secretary, 2018a) and law on terrorism financing, Law on the Prevention and Eradication of the Criminal Act of Financing Terrorism (PPTPPT) No. 9/2013 (House of Representatives of the Republik of Indonesia, 2013); the New Criminal Code complements, strengthens and reinforces both laws (Harkrisnowo, 2022). This is given that terrorism is an extraordinary crime included as one of the five special crimes, which are major crimes against human rights, terrorism, corruption, money laundering, and narcotics as stated in Chapter XXXV of the New Criminal Code. Consequently, the principle of open and limited codification in Article 187 of the New Criminal Code of the First Book of the Criminal Code applies to offenses punishable under the provisions of laws and regulations outside the Criminal Code, unless otherwise determined by law based on the following criteria: 1). High victimization impact; 2) Frequently of a transnational-

organized nature (Trans-National Organized Crime); 3) Specialized criminal procedure arrangements; 4) Often deviate from the general principles of material criminal law; 5) The existence of supporting agencies for law enforcement that have special authority (such as the Corruption Eradication Commission, the National Narcotics Agency, and the National Commission of Human Rights); 6) Didukung oleh berbagai konvensi internasional baik yang sudah diratifikasi maupun yang belum; dan merupakan perbuatan yang dianggap sangat jahat (*super mala per se*) dan sangat dikutuk oleh masyarakat (*strong people condemnation*) (Harkrisnowo, 2022).

The Law on the New Criminal Code takes effect three years after its enactment. Once enacted, the government has three years to socialize the law to the public (Muhammad, 2023). Before its implementation, one cannot factually evaluate the effectiveness of the Law on the New Criminal Code, unless it is a theoretical and conceptual evaluation that is normative in nature. Similarly, the Judicial Review plan to the Constitutional Court (MK) submitted by some community groups is not based on objective facts and data from the application of such laws, but rather from academic, subjective, and normative studies, the problems of which may have been discussed by the House of Representatives and the government when the law was merely a draft (Anis, 2023).

This article explores the New Criminal Code and its relations to terrorism and terrorism financing laws conceptually, theoretically, and normatively, to understand the significance, relevance, and urgency of the New Criminal Code in the context of counter-terrorism, which at a practical level will increase the effectiveness of preventing and prosecuting terrorism in Indonesia. This article aims to understand how far terrorism is addressed in the New Criminal Code. This article may help counter-terrorism practitioners, academics, and policymakers to employ legal instruments as much as possible to prevent terrorism and understand the juridical constraints and conflicts between the New Criminal Code Law and Terrorism Law No. 5/2018, if any.

Current Indonesian Terrorism Law

The forerunner of legislation on criminal act of terrorism in Indonesia originated from Government Regulation in Lieu of Law Number 1 of 2002 on Eradication of Criminal Act of Terrorism. This Government Regulation was created as a legal protection to prosecute the terrorists that were prevalent in 2001/2002, which claimed the lives of hundreds of people. The urgent situation required for the issuance of a Government Regulation was met (Directorate General of Laws and Regulations, 2002). The government enacted 2 regulations, namely: a. Regulation No. 1 of 2002 on the Eradication of the Criminal Act of Terrorism

that did not apply retroactively; b. Regulation No. 2 of 2002 on the Enforcement of Regulation No. 1 of 2002 on the Eradication of the Criminal Act of Terrorism on the Bali Bombing on October 12, 2002, applied retroactively. The Regulations were made effective on October 18, 2002 (Asril *et al.*, 2021).

In addition, Indonesia ratified the UN Resolutions No. 1373 and No. 1377 on the call for joint action to combat terrorism and Resolution No.1267 on the listing of certain groups as international terrorist organizations, as well as resolution No.1390 on freezing terrorist assets and preventing acts of terrorism across national borders, which served as the global background for the birth of the Government Regulation and Law on terrorism (Aditama, 2019).

A year later, Government Regulation in Lieu of Law No. 1 of 2002 on the Eradication of the Criminal Act of Terrorism was enacted into Law No. 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law No. 1 of 2002 on the Eradication of the Criminal Act of Terrorism into Law. The Regulation No. 1 of 2002 then became Law No. 15 of 2003 specifically contains the regulations issued by the United Nations (UN) in the Convention Against Terrorism Bombing (1997) and the Convention on the Suppression of Financing Terrorism (1997), such as the scope of transnational and or international jurisdiction and the regulations concerning the crime of international terrorism (Aditama, 2019).

Law No. 15 of 2003 remains weak following with the dynamics of terrorism in Indonesia. These weaknesses are the impact of Regulation No. 1 of 2002, which was hastily drafted to provide a legal basis to tackle terrorism back then. Therefore, the government and the House of Representatives revised the law, resulting in Law No. 5/2018 on the Amendment to Law No. 15/2003 on the Stipulation of Government Regulation in Lieu of Law No. 1/2002 on the Eradication of the Criminal Act of Terrorism into Law. This law is widely known as the Anti-Terrorism Law or the Criminal Act of Terrorism Law, enriching the contents of the previous law (Secretariat General of the House of Representatives, 2018).

Law No. 5 of 2018 is a revision of Law No. 15 of 2003. The revision includes changes, additions, and omissions of articles that are irrelevant or lack strength and rigor in combating terrorism today. Broadly speaking, Law No. 5/2018 consists of considering, weighing, and deciding. In the context of considering, the scope of terrorism is expanded into stating that the crime of terrorism committed in Indonesia is a serious crime that endangers ideology, security, sovereignty, human values, and various aspects of social, national, and state life, and is transnational, organized, and broadly networked and serves a specific purpose so that its eradication must be conducted in a special, planned,

directed, integrated, and sustainable manner, based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Likewise, the subject of terrorism actors is expanded to include the involvement of people or groups of people, as well as the involvement of Indonesian citizens in domestic and/or foreign organizations intending to commit criminal conspiracy that leads to the crime of terrorism, potentially threatening the security and welfare of society, nation and state, and world peace.

The dynamics and development of terrorism demand adjustments to the law as a fair, accurate, relevant legal basis that meets the legal needs of the community so that it is firmer in providing protection and ensuring legal certainty in countering terrorism, which is a consideration for the amendment of the 2003 Terrorism Law into a new Terrorism Law that has been published by the Ministry of State Secretary through the Deputy Assistant for Law, specifically the Distribution, Publication, and Documentation Division on June 25, 2018 (Public Relations of the Ministry of State Secretary, 2018b).

Terrorism Law No. 5/2018 regulates subjects that have not been regulated in previous laws. The modifications included in Terrorism Law no 5 of 2018 are:

1. Criminalization of new terrorism modes such as participating in military/paramilitary/other training domestically or abroad to commit terrorist acts. Making, storing, distributing, and wielding different types of explosives as the elements in committing acts of terror;

2. Increase (aggravation) of punishment for actors of terrorism, be it conspiracy, preparation, attempt, or assistance to committing acts of terrorism;
3. Expansion of the criminal punishment object of terrorism committed by a corporation which is imposed on the founders, leaders, management, or parties related to the corporation;
4. Provision of an additional penalty of revoking the right to have a passport for a certain period;
5. There is an extended time for the arrest, extension of apprehension, detention, and extension of detention for the purpose of the investigation by investigators and public prosecutors, as well as research on the case file of the Criminal Act of Terrorism;
6. Protection of victims becomes the state's responsibility;
7. The prevention of terrorism is performed by relevant institutions in coordination with the National Counter-Terrorism Agency (BNPT);
8. Institutionalization of BNPT and involvement of the Indonesian National Army (TNI) (PR of the Ministry of State Secretary, 2018b).

The Terrorism Law of 2018 entitled THE LAW ON THE AMENDMENT TO LAW NUMBER 15 OF 2003 ON THE ESTABLISHMENT OF THE GOVERNMENT REGULATION IN LIEU OF THE LAW NUMBER 1 OF 2002 ON THE ERADICATION OF THE CRIMINAL ACT OF TERRORISM INTO LAW. The following table provides examples of revisions stated in Law No. 5 of 2018.

Table 1: Examples of revisions stated in Law No. 5 of 2018

No.	Issues	Law No. 15 of 2003	Law No. 5 of 2018	Descriptions
1	Criminal Act of Terrorism	Article 1 The Criminal Act of terrorism is any conduct that meets the elements of a criminal offense based on the provisions in this Government Regulation in Lieu of Law.	The Criminal Act of Terrorism is any conduct that meets the elements of a criminal offense based on the provisions of this Law.	
2	Terrorism	No definition of terrorism.	Terrorism is a violent conduct or threat of violence that creates a widespread sense of terror or fear, that may cause mass casualties, and/or cause damage or destruction to strategic vital objects, the environment, public facilities, or international facilities with the motive of ideology, politics, or security disturbance.	
3	Violence	Violence is any conduct of misusing physical force with or without the use of unlawful means that inflicts	Violence is any conduct of misusing physical force with or without the use of unlawful means that inflicts danger to a	

No.	Issues	Law No. 15 of 2003	Law No. 5 of 2018	Descriptions
		danger to a person's body, life, and personal freedom, including rendering a person unconscious or helpless.	person's body, life, and personal freedom, including rendering a person unconscious or helpless.	
4	Threat of Violence	The threat of violence is any deliberate conduct to signal or warn of a situation that is likely to induce fear in people or the community at large.	The threat of Violence is any unlawful conduct in the form of speech, writing, images, symbols, or gestures, either with or without the use of electronic or non-electronic means that may induce fear in people or the community at large or restrain the essential freedoms of a person or community.	
5	Explosives	Explosives are all substances that may explode, all types of gunpowder, bombs, incendiary bombs, mines, hand grenades, or all explosives made of chemicals or other substances to create an explosion.	Explosives are all substances that may explode, all types of gunpowder, bombs, incendiary bombs, mines, hand grenades, or all explosives made of chemicals or other substances to create an explosion.	
6	Assets	Assets are all movable or immovable objects, both tangible and intangible.	Assets are all movable or immovable objects, both tangible and intangible.	The definition of assets is the same but different in paragraph numbering. In Law No. 15 of 2003, it is number 9, while in Law No. 5 of 2018, it is number 6.
7	Vital Objects	Strategic vital objects are places, locations, or buildings with exceptionally high economic, political, social, cultural, and security, as well as defensive values, including international facilities.	Vital Objects or Strategic Vital Objects are areas, places, locations, buildings, or installations that: a. concern people's livelihood and national dignity; b. are sources of state income with political, economic, social, and cultural values; c. concern extremely high defense and security.	
8	Public Facilities	Public facilities are places used for the benefit of the community at large.	Public facilities are places used for the benefit of the community at large.	The definition of public facilities is the same but different in paragraph numbering. In Law No. 15 of 2003, it is number 8, while in Law No. 5 of 2018, it is number 11.
9	Everyone	Everyone refers to an individual, a group of individuals whether civilian, military, or police who are individually responsible, or a corporation.	Everyone refers to an individual or a corporation.	
10	Corporation	A corporation is an organized collection of individuals and/or assets that is either a legal entity or a non-legal entity.	A corporation is an organized collection of individuals and/or assets that is either a legal entity or a non-legal entity.	The definition of a corporation is the same but different in paragraph numbering. In Law No. 15 of 2003, it is number 3, while in Law

No.	Issues	Law No. 15 of 2003	Law No. 5 of 2018	Descriptions
				No. 5 of 2018, it is number 10.
11	Victims of the Criminal Act of Terrorism	None	A victim of the Criminal Act of Terrorism, hereinafter referred to as Victim, is a person who suffers physical, mental, and/or economic loss as a result of a Criminal Act of Terrorism.	
12	Government of the Republic of Indonesia	Government of the Republic of Indonesia means the Government of the Republic of Indonesia and representatives of the Republic of Indonesia abroad.	Government of the Republic of Indonesia means the Government of the Republic of Indonesia and representatives of the Republic of Indonesia abroad.	The definition of the Government of the Republic of Indonesia is the same but different in paragraph numbering. In Law No. 15 of 2003, it is number 6, while in Law No. 5 of 2018, it is number 12.
13	Foreign State Representatives	Foreign State Representatives are foreign diplomatic and consular representatives including their staff.	Foreign State Representatives are foreign diplomatic and consular representatives including their staff.	The definition of Foreign State Representative is the same but different in paragraph numbering. In Law No. 15 of 2003, it is number 7, while in Law No. 5 of 2018, it is number 13.
14	International Organization	International Organizations are those within the scope of the United Nations organizational structure, other international organizations outside the United Nations, or organizations that perform duties on behalf of the United Nations.	International Organizations are those within the scope of the United Nations organizational structure, other international organizations outside the United Nations, or organizations that perform duties on behalf of the United Nations.	The definition of international organizations is the same but different in paragraph numbering. In Law No. 15 of 2003, it is number 8, while in Law No. 5 of 2018, it is number 14.

The 2018 Terrorism Law is in line with the dynamics of local and global terrorism. As Indonesia has ratified the international treaty on terrorism initiated by the United Nations, it must be accommodated within the law, adjusting to the regulations of counter-terrorism in other countries.

In the 2018 Terrorism Law, the prevention aspect is strengthened by changing the counter-terrorism approach from a hard approach that prioritizes law enforcement to a soft approach, in addition to institutional strengthening by expanding the authority of the National Counter-Terrorism Agency (BNPT) and involving the Indonesian National Army (TNI) (Rahana, 2023).

The New Indonesian Criminal Law

The new Indonesian Criminal Code (KUHP) is a revision of the former Code which incorporates all types of criminal offenses. The criminal act of terrorism is among those that complement, strengthen, and reinforce the 2018 Terrorism Law (Garnadi, 2022).

The New Criminal Code was motivated by a desire to break away from the former Criminal Code inherited from the Dutch East Indies colonial government. The New Criminal Code seeks to unite and blend positive law with customary laws (local wisdom/indigenous law), considering that in Indonesia, customary laws exist in different regions spread across the archipelago from Sabang to Merauke. Each region and island have its own customs, culture, and traditions (Harkrisnowo, 2022).

Among the contents of the New Criminal Code, one that raises public pros and cons is the issue of criminalizing actors who spread ideologies that are contrary to Pancasila. The definition of ideologies that are contrary to Pancasila remains overly vague. This clause is considered floating depending on the subjectivity of law enforcement officials, this is to say, it creates an opportunity for the government to "take the law into its own hands" on behalf of the Criminal Code (Anis, 2023). In addition, there are several articles existing in the Terrorism Law and the Law on terrorism financing that might be overlapping (Fithriadi, 2022).

Terrorism in the New Indonesian Criminal Law

The New Criminal Code regulates the criminal act of terrorism. Regarding the definition of terrorism, Article 600 of the New Criminal Code explains that the actor of terrorism is: "Every person who exercises violence or threat of violence that creates a widespread sense of terror or fear among people, causes mass casualties by depriving freedom or taking other people's lives and property, or inflicting damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or death sentence".

Regarding the preparation of terrorism, Article 601 of the New Criminal Code also clarifies that the actor of terrorism is: "Every person who exercises violence or threat of violence with intention to create a widespread sense of terror or fear among people or to cause mass casualties by depriving freedom or taking other people's lives or property, or inflicting damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 20 (twenty) years or life imprisonment". This New Criminal Code article seemingly revises what is already listed in Article 6 of Law no. 5/2018 on the actor of terrorism, that is: "Every person who **deliberately** exercises Violence or Threats of Violence that creates a widespread sense of terror or fear among people, causes mass casualties by depriving freedom or losing other people's lives and property, or inflicting damage or destruction to Strategic Vital Objects, the environment or Public Facilities or international facilities shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or death sentence". The New Criminal Code does not include the word "deliberately", hence anyone who prepares acts of terrorism whether intentionally or unintentionally is eligible for criminalization (Harkrisnowo, 2022). This means that intent is no longer a consideration in convicting a person who prepares an act of terrorism. This New Criminal Code article also revises those already listed in Article 7 of Regulation 1/2002 on actors of terrorism, namely "Every person who deliberately exercises violence or threat of violence with the intent to create a widespread sense of terror or fear among people or to cause mass casualties by depriving freedom or losing other people's lives or property, or inflicting damage or destruction to strategic vital objects, or the environment, or public facilities, or international facilities, shall be punished with a maximum of life imprisonment".

Harkrisnowo (2022), one of the committee members who formulated The New Criminal Code explains that, according to this Criminal Law,

preparation for committing a criminal offense takes place if:

- the actor tries to obtain or provide the means in the form of equipment
- gathers information, or
- designs a plan of action, or
- performs similar conduct
- which is intended to create conditions for committing certain acts that are directly addressed to the resolution of criminal offenses.

Moreover, she explains the following points regarding crime and punishment in the New Criminal Code:

- 1) Preparation for committing a criminal offense is punishable, if explicitly stated in the Law.
- 2) The punishment for preparation: shall be at most ½ of the maximum main punishment for the criminal offense in question.
- 3) The punishment for the preparation for committing a criminal offense punishable by death sentence or life imprisonment: a maximum imprisonment of 10 years.
- 4) Additional punishment for preparation means additional punishment for the criminal offense in question.

She adds that according to the New Criminal Code (Article 6), preparation for committing a Criminal Offense shall not be punished if: 1) the actor stops, or 2) prevents the possibility of creating the conditions as referred to in Article 15 paragraph (1).

Regarding terrorism financing, Article 602 of the New Criminal Code explains that the actor of terrorism is: "Every person who exercises violence or threats of violence that creates a widespread sense of terror or fear among people, causes mass casualties by depriving freedom or losing other people's lives and property, or inflicting damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or death sentence". This Article of the New Criminal Code revises what is already listed in Article 4 of Law no. 9/2003 on terrorism financing, which states that the actor of terrorism is: "Every person who **deliberately** provides, collects, grants, or extends Funds, whether directly or indirectly, with the intention of being spent wholly or partly on committing the Criminal Act of Terrorism, terrorist organizations, or terrorists shall be punished for committing the criminal act of financing terrorism with a maximum imprisonment of 15 (fifteen) years and a maximum fine of Rp1,000,000,000.00 (one billion rupiah)". The New Criminal Code does not include the word "intentionally", so everyone who finances terrorism, whether intentionally or unintentionally, is eligible for criminalization (Harkrisnowo, 2022). That is

to say, intent is no longer a consideration in convicting a person who finances acts of terrorism.

The implications of this New Criminal Code are:

1. The New Criminal Code does not change the definition of Criminal Act of Terrorism.
2. Transfer two articles from the Terrorism Eradication Law and an article from the Terrorism Financing Law.
3. Repeal the above articles from the law so as not to create difficulties in the field for law enforcement officers.
4. Other provisions of the Law remain in full force and effect.
5. In applying former Articles 6 and 7 of the Terrorism Law, law enforcement officers must refer to Articles 600 and 601 of the New Criminal Code, and former Article 4 of the Terrorism Financing Law, must refer to Article 602 of the Criminal Code.
6. Does not diminish the 'extraordinary' nature of the offenses.

There have been several criticisms of the New Criminal Code. The first critical question centers on its overlapping with other laws (Saputro, 2022). For instance, the current Terrorism Financing Law Article 5 states that: "Every person who is engaged in conspiracy, attempt, or assistance to commit the criminal act of terrorism financing shall be punished for committing such criminal act of terrorism financing with the same punishment as referred to in Article 4". Thus, the question is on whether the Terrorism Financing Law can circumvent the institution of criminal conspiracy, attempt, or assistance within the New Criminal Code. The second critical question is on the contradiction of regulations stated in the New Criminal Code. In this case, Article 187 of the New Criminal Code states: "The provisions of Chapters I to V of the First Book shall also apply to the conduct punishable under other laws, unless otherwise stated by the Law" where the New Criminal Code permits the implementation of other laws; however, Article 613 (1) of the Criminal Law states: "When this Law comes into force, every law and regional regulation comprising criminal provisions shall conform to the provisions of the First Book of this Law" which urges that other laws must be implemented by adjusting to the New Criminal Code (Saputro, 2022). The third question is on the spirit of restorative justice for children associated or affiliated with terrorist organizations. In this case, the New Criminal Code, although it shows high support for restorative justice (Sukabdi, forthcoming), does not mention anything on diversion/alternative legal proceedings for children affiliated with terrorist organizations.

CONCLUSION

Indonesia finally has its own Criminal Code; hence, the country no longer uses criminal code inherited

from Dutch East Indies colonialism. The New Criminal Code is effective three years after launched, which is 2026. Regarding the preparation of terrorism, Article 601 of the New Criminal Code explains that the actor of terrorism is: "Every person who exercises violence or threat of violence with intention to create a widespread sense of terror or fear among people or to cause mass casualties by depriving freedom or taking other people's lives or property, or inflicting damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 20 (twenty) years or life imprisonment". This New Criminal Code article seemingly revises what is already listed in Article 6 of Law no. 5/2018 on the actor of terrorism, that is: "Every person who deliberately exercises Violence or Threats of Violence that creates a widespread sense of terror or fear among people, causes mass casualties by depriving freedom or losing other people's lives and property, or inflicting damage or destruction to Strategic Vital Objects, the environment or Public Facilities or international facilities shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or death sentence". The New Criminal Code does not include the word "deliberately", hence anyone who prepares acts of terrorism whether intentionally or unintentionally is eligible for criminalization. This means that intent is no longer a consideration in convicting a person who prepares an act of terrorism. According to this New Criminal Law, preparation for committing a criminal offense takes place if: the actor tries to obtain or provide the means in the form of equipment, gathers information, designs a plan of action, performs similar conduct, and which is intended to create conditions for committing certain acts that are directly addressed to the resolution of criminal offenses. According to the New Criminal Code, preparation for committing a Criminal Offense shall not be punished if: 1) the actor stops, or 2) prevents the possibility of creating the conditions as referred to in Article 15 paragraph (1).

Regarding terrorism financing, Article 602 of the New Criminal Code explains that the actor of terrorism is: "Every person who exercises violence or threats of violence that creates a widespread sense of terror or fear among people, causes mass casualties by depriving freedom or losing other people's lives and property, or inflicting damage or destruction to strategic vital objects, the environment, public facilities, or international facilities, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment, or death sentence". This Article of the New Criminal Code revises what is already listed in Article 4 of Law no. 9/2003 on terrorism financing, which states that the actor of terrorism is: "Every person who deliberately provides, collects, grants, or extends Funds, whether directly or

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